IN THE HIGH COURT OF UTARANCHAL AT NAINITAL

Civil Misc. Application NO. 3883 of 2003
In
First Appeal No. 130 of 2001

State of Uttaranchal .....Appellant

Vs

Smt. Swaran Kaur,
W/o Late Shiv Singh & others. .....Respondents

Mr. N.B. Tewari, Learned C.S.C. for the appellant.
Mr. Arvind Vashistha, Advocate for the respondent.

Coram: Hon. S.H.Kapadia, C.J.
Hon. Rajesh Tandon, J.
Dated:- 22-09-2003:

PC:

State of Uttaranchal had preferred First Appeal No. 130 of 2001 under Section 54 of the Land Acquisition Act. That Appeal has been disposed of by the earlier Bench in favor of the claimants.

Smt. Swaran Kaur, Respondent No. 1, thereafter applied for withdrawal of enhanced compensation awarded by the Reference Court. She also submitted consent from other respondents to the withdrawal of compensation, however, consent of Malkeet Singh, Respondent No. 2, was not there. Therefore, the office raised their objections to the withdrawal of moneys deposited in the registry. It may be mentioned that the earlier Bench had permitted the claimants to withdraw the deposited amount. This was by order dated 7th September 2001, however, Respondent No. 1 could not withdraw because of objections raised by the office.

It is now conceded by the State that Malkeet Singh had died before the State had filed the above Appeal.

In view of the said concession made by the State, the office objections do not survive.

Accordingly, we are directing the office to permit Smt. Swaran Kaur, Respondent No. 1, to withdraw the deposited amount on behalf of herself and on behalf of the remaining respondents.

Application is accordingly disposed of.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

Gurpreet